

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ZURICH AMERICAN INSURANCE)
COMPANY, et al.)
)
Plaintiffs,)
)
) Civil Action No. 19-998
v.) Senior Judge Nora Barry Fischer
) Magistrate Judge Patricia L. Dodge
CENTURY STEEL ERECTORS CO., L.P.,)
)
Defendant.)

MEMORANDUM ORDER

The above captioned case was initiated by Plaintiffs Zurich American Ins. Co. and American Guarantee and Liability Ins. Co. on August 13, 2019, and was referred to United States Magistrate Judge Patricia L. Dodge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court. (Docket No. 1). Thereafter, the parties litigated a Motion to Dismiss filed by Defendant and a Motion for Summary Judgment filed by Plaintiffs. (Docket Nos. 10; 21). On April 14, 2020, the Magistrate Judge issued a Report recommending that Defendant's Motion to Dismiss be denied and Plaintiffs' Motion for Summary Judgment be granted and that objections to same were due to be filed by April 28, 2020. (Docket No. 27). To date, no objections have been filed nor have the parties sought an extension in time in which to do so.

After *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 29th day of April, 2020:

IT IS ORDERED that the Report and Recommendation [27] dated April 14, 2020 is ADOPTED as the Opinion of the Court;

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss [10] is DENIED and Plaintiffs' Motion for Summary Judgment [21] is GRANTED;
FINALLY, IT IS ORDERED that this matter is referred back to Magistrate Judge Dodge for further proceedings as to Count II of the Complaint.

BY THE COURT:

s/Nora Barry Fischer
Nora Barry Fischer
Senior U.S. District Judge

cc/ecf: All counsel of record.